

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6418

BILL NUMBER: SB 164

NOTE PREPARED: Apr 25, 2013

BILL AMENDED: Apr 25, 2013

SUBJECT: Child in Need of Services Petitions.

FIRST AUTHOR: Sen. Holdman

FIRST SPONSOR: Rep. Mahan

BILL STATUS: Enrolled

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill allows a prosecuting attorney to request a juvenile court to authorize the filing of a petition alleging that a child is a child in need of services, and requires a prosecuting attorney to represent the interests of the state in the child in need of services proceeding, unless the prosecuting attorney and the Department of Child Services (DCS) agree that the DCS shall represent the interests of the state in that proceeding. The bill provides that if a prosecuting attorney is representing the interests of the state at a subsequent proceeding after a CHINS petition is filed, all deadlines and procedures concerning CHINS apply to the prosecuting attorney to the same extent as they apply to the DCS.

(The introduced version of this bill was prepared by the Department of Child Services Interim Study Committee.)

Effective Date: July 1, 2013.

Explanation of State Expenditures: HEA 1001 - 2008 (P.L 146 - 2008, SECTION 588) removed the ability of prosecuting attorneys to file CHINS petitions. As of July 1, 2009, only the Department of Child Services (DCS) has been able to file CHINS petitions. Based on information provided by the DCS on the monthly number of CHINS served between January of 2002 and June of 2012, it was determined there was no discernable decrease in the number of CHINS served by the state as a result of removing this ability. Therefore, reestablishing the ability for prosecuting attorneys to file CHINS petitions is expected to have no discernable impact on the number of CHINS served by the DCS.

However, by allowing additional persons to file CHINS petitions, it is possible that this could result in a few

additional CHINS in the state. If the number of CHINS increases as a result of the bill, the DCS may experience (1) increased expenditures to provide services to a greater number of CHINS and (2) an increased staffing demand to maintain statutory caseload maximums (12:17 ratios) for family case managers (FCMs). Increases are indeterminable but expected to be small.

Explanation of State Revenues:

Explanation of Local Expenditures: Under the bill, local court caseload may increase to hear CHINS petitions filed by prosecuting attorneys.

Explanation of Local Revenues:

State Agencies Affected: DCS.

Local Agencies Affected:

Information Sources: Brady Brookes, DCS.

Fiscal Analyst: Bill Brumbach, 232-9559.